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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,902	06/09/2000	Joseph C. Kawan	CIT10166-US	1623

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KILPATRICK STOCKTON LLP
607 14TH STREET, N.W.
WASHINGTON, DC 20005

EXAMINER

HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/588,902

Applicant(s)

KAWAN ET AL.

Examiner

Lalita M Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-19, 22-24 and 28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-19, 22-24 and 28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Request for Continued Examination (RCE)

The RCE filed on July 13, 2004 has been processed. A new Office Action follows.

Claim Objections

Claims 1-15 and 17-19 are objected to because of the following informalities: In the last paragraph of claim 1, the spacing between the letters in the words should be correct. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15, 17-19, 22-24, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Sehr (US 2001/0018660).

Sehr discloses an electronic ticketing system utilizing multi-service visitor cards comprising issuing a locked programmable memory device to a first user, wherein the programmable memory device contains at least the following for formulating payment instructions, network address instructions for an issuer of the programmable memory device, a first user's financial account information, and an encryption program;

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unlocking the programmable memory device at the first user with a first user's predetermined personal identification number, programming the programmable memory device at the first user to include a first user identification profile and a private/public key pair using the encryption program, issuing software to a second user, wherein the software includes payment information of the second user including a second user's financial account information and further wherein the software is capable of interacting with the programmable memory device over the first network, forming a connection between the programmable memory device and the software, receiving across the connection the payment instructions, adding the second user's payment information to the payment instructions, routing the payment information and the payment instructions to the issuer utilizing the network address instructions, and receiving the payment information and the payment instructions, wherein the issuer is capable of accessing at least one of the user's financial account information and a second user's financial account information (fig.4-all; p.9, 75; p.10, 78 to p.11, 80; and p.15, 115); the payment information of the second user further includes a second user's digital certificate (p.16, 117); the first network is the Internet (p.4, 29); the first network is a wireless network (p.4, 39); the network address instructions include at least one of a universal resource locator and a phone number (p.3, 34); authorizing a payment amount read from the payment instructions (p.5, 49); authorizing a payment amount includes requesting via a second network authorization from a first user's financial institution that maintains the first user's financial account information (p.5, 49); the payment instructions further include an encrypted personal identification number recognizable by the first user's

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financial institution for accessing the first user's financial account information (p.7, 61); the second network is an ATM network (p.5, 49); the second network is the Internet (p.4, 39); the programmable memory device is a smart card (p.5, 49); the first user's financial account information includes the first user's account identifier (p.3, 34); the first user's account identifier includes at least one of an account type and an account number (p.3, 34); the first user's financial account information includes the first user's financial institution routing number (p.3, 34); the encryption program contains a private key generated by the issuer (p.15, 115); the second user's financial account information includes the first user's account identifier (p.3, 34); the second user's account identifier includes at least one of an account type and an account number (p.3, 34); the second user's financial account information includes the second user's financial institution routing number (p.3, 34); and receiving verification from the issuer of the programmable memory device that the financial transaction is authorized, and updating a merchant transaction log in the memory portion of the terminal to reflect authorization of the financial transaction by the issuer of the programmable memory device (p.5, 49).

Response to Arguments

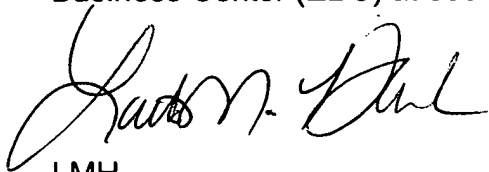
Applicant's arguments with respect to claims 1-15, 17-19, 22-24, and 28 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M Hamilton whose telephone number is (703) 306-5715. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LMH